

**Additional Regulation of Tobacco Products
Is Unnecessary:
Tobacco Products Are Already Heavily Regulated**

Tobacco and tobacco products are already among the most intensively regulated products in America. Existing laws and regulations affect the way tobacco is raised, harvested, packaged, labeled, advertised and distributed. The government also imposes a heavy tax burden on tobacco products, funds anti-smoking research activities, creates incentives for states to fund anti-smoking programs and, in certain instances, restricts where cigarettes may be smoked.

Below is an agency by agency summary of some of the many federal statutes and regulations that govern tobacco and/or tobacco products:¹

Department of Agriculture

- Sets production quotas and price levels for tobacco leaf;
- Grades tobacco before auction;
- Inspects imported tobacco;
- Regulates the use of pesticides on tobacco (in conjunction with the Environmental Protection Agency);
- Requires tobacco product manufacturers to maintain records on all finished cigarettes, cigarette-ready tobacco and exported tobacco/tobacco products;
- Requires domestic cigarette manufacturers to certify, annually, that they have used at least 75% domestic tobacco leaf in each brand of cigarettes;
- Prohibits payment of administrative expenses to Women, Infants and Children ("WIC") clinics, unless smoking is prohibited in program space.

¹ This list summarizes the *federal* government's control over tobacco products. In addition, there is extensive regulation at the state and local levels of government (e.g., restricting smoking in public places and/or in the workplace and prohibitions on sales to minors and other restrictions to control youth access to tobacco products), the specifics of which are not detailed here.

Department of Health and Human Services

- Requires manufacturers of cigarettes to submit, annually, a complete list of ingredients added to tobacco;
- Conditions block grants to states for the prevention and treatment of substance abuse on the existence and enforcement of laws prohibiting the sale or distribution of tobacco products to individuals under age 18; HHS' proposed implementing regulations (expected to be finalized this March) would create a series of programmatic mandates on the states and impose performance criteria that must be met (*i.e.*, a maximum percentage of illegal tobacco product sales) before federal funding may be provided;
- Implements 7-year (1991-98) "ASSIST" program, which awards federal block grants to 17 states to develop and implement grassroots coalitions to stop and prevent smoking;
- Has statutory authority to discourage tobacco use by native Americans, native Hawaiians, and older Americans;
- Evaluates the health effects of tobacco ingredients and has authority to inform Congress and the public of its findings;
- Through its Interagency Committee on Smoking and Health, HHS coordinates all research, educational programs and regulations relating to the effects of smoking on human health with similar activities by other federal agencies and private entities.

Federal Trade Commission

- Monitors and regulates unfair or deceptive tobacco product advertising;
- Ensures that government-prescribed warning messages appear on all tobacco product packaging and advertising;
- Enforces ban on broadcast advertising of tobacco products;
- Requires cigarette manufacturers to submit, annually, detailed information concerning cigarette advertising and promotional expenditures;
- Monitors testing by the Tobacco Institute Testing Laboratory to establish levels of tar, nicotine and carbon monoxide in each brand of cigarette and has authority to publish such information;

2023001753

- Requires information concerning "tar" and nicotine to be included in cigarette advertising pursuant to a 1970 agreement between the Commission and major cigarette manufacturers.

Bureau of Alcohol, Tobacco and Firearms

- Collects excise taxes and enforces penalties for nonpayment of such taxes;
- Requires disclosure of certain information on tobacco product cartons or packages;
- Governs the type of packaging in which tobacco products can be marketed;
- Prohibits certain promotional practices.

Department of Transportation

- Prohibits smoking on most domestic commercial flights;
- Requires all motor common carriers to prohibit smoking on vehicles transporting passengers in scheduled interstate commerce;
- Prohibits smoking in certain areas on all ferries carrying vehicles;
- Prohibits cigarettes within 25 feet of trucks carrying certain hazardous materials.

General Services Administration

- Limits smoking in GSA controlled buildings to areas designated by the Agency head. Agency heads have discretion to create even more stringent non-smoking policies.²

² Several departments and agencies, including the Departments of Defense, Interior, Justice and Veteran Affairs have promulgated rules designating smoking areas. Additional agencies, including the Department of Health and Human Services and the United States Postal Services, have promulgated rules prohibiting smoking in all of their facilities.

Environmental Protection Agency

- EPA science advisory board on indoor air reviewed and issued December, 1992 report on the respiratory health effects of passive tobacco smoke.

Occupational Safety and Health Administration

- Is currently studying the impact of passive tobacco smoke in the workplace and is considering a ban or other restrictions on smoking in all private workplaces in the United States.

Consumer Products Safety Commission

- Compiled data and issued report in 1993 on cigarette ignition propensity.

United States Customs Service

- Limits the number of duty-free cigarettes and cigars Americans returning from abroad may bring into the country;
- Regulates how cigarettes are packaged for importation into the United States.

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